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Attorney Docket No. 13647.0015  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
Marsan et al. )  
Serial No.: 09/413,728 )  
Filed: 10/06/1999 )  
For: System and Method for Processing )  
Retrieval Requests )

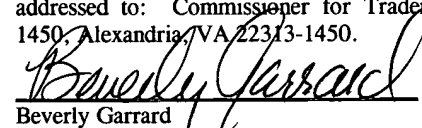
Group Art Unit: 3629

Examiner: Igor N. Borissov

MAILING CERTIFICATE UNDER 37 C.F.R. "1.8(A)

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Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

**UNDER 37 C.F.R. 1.181**

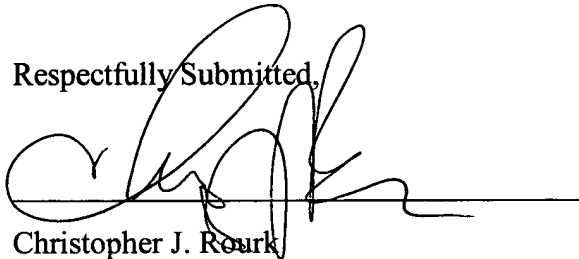
In response to the Notice of Abandonment Mailed January 7, 2005 (Paper No. 20041230), Applicants respectfully submit the enclosed copy, in triplicate, of the Appeal Brief in this matter and evidence showing that the U.S. Patent and Trademark Office received the check for the appeal fee, which was mailed with the appeal brief. Applicants note that PAIR does not show receipt of the Notice of Appeal that was filed on August 4, 2003, but that the Notice of Appeal is present in the Image File Wrapper. As such, the PTO's own internal records are inconsistent, suggesting that the process of entering this file into the Image File Wrapper system or some other problem internal to the PTO is responsible for the failure to place the Appeal Brief in the file for this matter.

Furthermore, enclosed with this petition is a copy of the check that was submitted with the appeal brief, which clearly shows that it was received and cashed by the U.S. Patent and Trademark Office. The Attorney for the Applicants has also received confirmation from the Examiner that this fee was recorded in the PTO records as having been received. While the copies of the Appeal Brief do not include a signature on the certificate of mailing, this is because a copy of the signed appeal brief was not made prior to filing. Applicants will attempt to obtain a signed affidavit from Ms. Kelly Breeze stating that the check for the Appeal Brief would not have been submitted without the Appeal Brief if one is considered to be required, and request that the Attorney of record be contacted at the number provided below if such additional evidence is required, but Applicants believe that the cancelled check and discrepancy in the PTO records is sufficient evidence to establish that the PTO lost the appeal brief. Withdrawal of the Notice of Abandonment is therefore requested.

If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Godwin Gruber, LLP, No. 50-0530.

Date: January 12, 2005

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Christopher J. Rourke', is written over a horizontal line.

Christopher J. Rourke  
Reg. No. 39,348  
ATTORNEY FOR APPLICANTS

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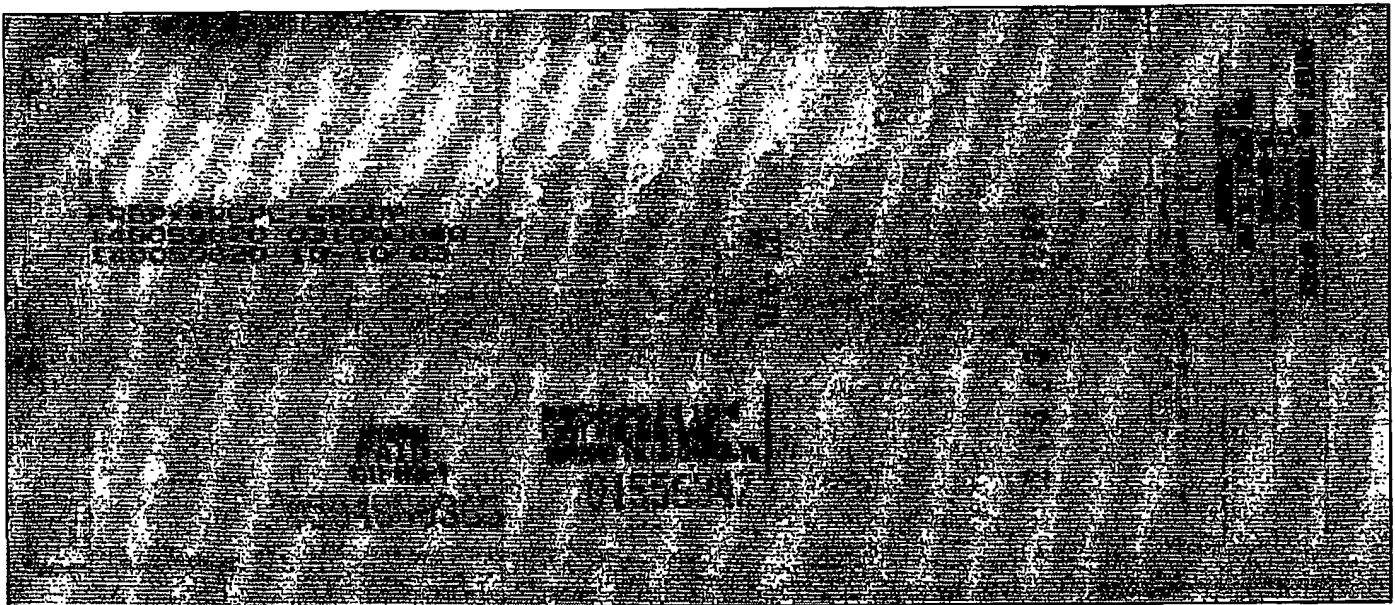
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